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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,245	01/11/2002	John J. Donahue	011684.00009	7433
22907	7590	02/10/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/042,245	<b>Applicant(s)</b> DONAHUE, JOHN J.	
	<b>Examiner</b> Daniel L. Greene	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9,15-21,50,57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-9,15-21,50,57,58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of claims 1 and 3 (Invention I.b) in the reply filed on 4 January 2006 is acknowledged.

Applicant argues that the various species are not mutually exclusive and should be examined together.

Applicant's arguments have been carefully considered but they are not persuasive. The Examiner notes that should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant has not provided the evidence or identified such evidence now of record showing the species to be obvious variants or clearly admitted on record that this is the case. Therefore, the Examiner maintains that the species are patentably and mutually distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claims 22-34, 35-43, 44-49, 51-56 and 59-62 are cancelled.

***Allowable Subject Matter***

This application is in condition for allowance except for the following formal matters:

The disclosure is objected to because of the following informalities:

The disclosure is objected to because it contains embedded hyperlink and /or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP & 608.01.

Appropriate action is required.

As per claim 1:

The term agree/defer is an alternative limitation and therefore not a positive limitation. The correct format would be as Claim 2 of 09/610,005. The claim must present a positive limitation to be allowable.

The term "can" as in " ... a first dialogue box into which the first negotiator can enter text;" "Can" is not a positive limitation in that it is or it is not. The limitation is required to be written in a positive action format.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The following is a statement of reasons for the indication of allowable subject matter: What is unique about this application is that there are two distinct interactive displays on a computer screen providing two distinct parties of a transaction with the

options of providing the other party with their decisions and responses on a single computer screen. The prior art cited does not disclose the concept of two distinct interactive displays on the same computer screen. They teach about the use of one display.

Claims 2-9, 15-21, 50 and 57-58 are objected to as being dependent upon an objected base claim, but would be allowable if Claim 1 is amended to correct the objections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Raveis, JR US 2002/0046159 A1 SYSTEM AND METHOD FOR MANAGING TRANSACTIONS RELATING TO REAL ESTATE.

Raveis, JR US 2002/0049624 A1 SYSTEM AND METHOD FOR TRACKING REAL ESTATE TRANSACTIONS.

Raveis, JR US 2001/0005829 A1. SYSTEM AND METHOD FOR MANAGING CUSTOMER RELATIONSHIPS OVER A DISTRIBUTED COMPUTER NETWORK.

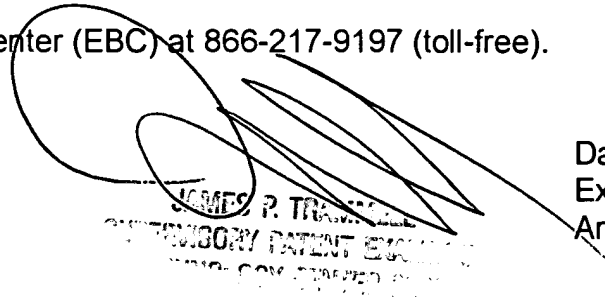
Harvey et al. US 6,784,901 B1. METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR THE DELIVERY OF A CHAT MESSAGE IN A 3D MULTI-USER ENVIRONMENT.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAMES P. TRAMMELL  
SUPERVISOR/ PATENT EXAMINER  
ART UNIT 3621

Daniel L. Greene  
Examiner  
Art Unit 3621

1/31/2005